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Attorneys for Mr. Mario Barron-Galvan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(**HONORABLE MARILYN L. HUFF**)

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO BARRON-GALVAN,

Defendant.

CASE NO. 07cr3469-H

DATE: **January 28, 2008**

TIME: 2:00 p.m.

NOTICE OF MOTIONS:

- (1) TO COMPEL DISCOVERY;
- (2) TO DISMISS INDICTMENT DUE TO MISINSTRUCTION;
- (3) TO DISMISS INDICTMENT FOR FAILURE TO ALLEGE ELEMENTS
- (4) TO STRIKE SURPLUSAGE; AND,
- (5) FOR LEAVE TO FILE FURTHER MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND
WILLIAM HALL, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on **January 28, 2008**, at 2:00 p.m., or as soon thereafter as counsel may be heard, the defendant, Mario Barron-Galvan, by and through his counsel, Robert Rexrode, will ask this Court to enter an order granting the following motions.

MOTIONS

The defendant, Mario Barron-Galvan, by and through his attorney, Robert Rexrode, pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all

1 other applicable statutes, case law and local rules, hereby moves this Court for an order:

- 2 1) to compel discovery;
- 3 2) to dismiss the indictment due to misinstruction;
- 4 3) to dismiss the indictment for failure to allege elements;
- 5 4) to strike surplusage; and,
- 6 4) for leave to file further motions.

7 These motions are based upon the instant motions and notice of motions, the attached
8 statement of facts and memorandum of points and authorities, and all other materials that
9 may come to this Court's attention at the time of the hearing on these motion.

10 Respectfully submitted,

11 Dated: January 14, 2008

12 /s/ Robert H. Rexrode
13 **ROBERT H. REXRODE, III**
14 Attorneys for Mr. Barron-Galvan
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